

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CHRISTOPHER SMITH,

Defendant.

No. 22-CR-685

ORDER

RONNIE ABRAMS, United States District Judge:

On December 5, 2023, the Court received a letter from defense counsel sent *ex parte* via email in response to its orders of November 14, 2023 and December 5, 2023. The letter states that Mr. Smith does not seek to withdraw his plea, but does seek to withdraw the three letters he sent to the Court *ex parte* and to place them under seal. The Court will thus not consider Mr. Smith's letters with respect to sentencing or for any further purpose. Because Mr. Smith's letters are not relevant to the performance of a judicial function, they are not judicial documents. *See United States v. Sours Edwards*, No. 19-cr-64-GHW, 2020 WL 6151300, at \*6–7 (S.D.N.Y. Oct. 20, 2020). As such, they may be withdrawn without being filed on the docket and will rather be filed under seal. *See id.* In addition, in light of the fact that counsel's letter contains privileged information regarding attorney-client communications, the letter shall also be filed under seal. *See United States v. Farooq*, No. 19-CR-100 (PKC), 2020 WL 1083624, at \*1 & n.2 (E.D.N.Y. Mar. 6, 2020).

SO ORDERED.

Dated: December 6, 2023  
New York, New York



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Ronnie Abrams  
United States District Judge